

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

JANE DOE, et al.

Plaintiffs,

vs.

HOWARD ZUCKER, et al.

Defendants.

Civil Action No.: 1:20 – CV – 0840  
(BKS/CFH)

**DECLARATION OF SUJATA S.  
GIBSON IN SUPPORT OF MOTION  
FOR INJUNCTIVE RELIEF PENDING  
APPEAL**

Sujata S. Gibson declares under penalty of perjury pursuant to 28 U.S.C. § 1746 the following:

1. My name is Sujata S. Gibson. I am over the age of twenty-one and I am fully competent and qualified to make this Declaration. Each and every statement within this Declaration is true and correct and within my personal knowledge.
2. I am an attorney licensed to practice in the State of New York, a member of the Gibson Law Firm, PLLC and one of the attorneys of record in the above captioned proceeding.
3. I write this declaration in support of the plaintiffs' motion for a temporary restraining order and preliminary injunction pending appeal (or review of emergency motion on appeal).
4. On or about August 25, 2020, plaintiffs filed a motion for injunctive relief. Incorporated by reference into this motion are the motion papers in the record submitted by plaintiffs in support of their August 25, 2020 motion: Dkt 41 to 41-38.

5. On or about September 4, 2020, several of the named defendants filed papers in opposition. Dkt 56 with attachments; Dkt 57 with attachments; Dkt 58 with attachments; Dkt 61 with attachments; Dkt 62 with attachments; Dkt 63 with attachments; Dkt 64 with attachments; Dkt 65 with attachments.

6. On or about September 28, 2020, Defendant Migliorino submitted a declaration in opposition. Dkt. 81.

7. The motion was heard by telephonic arguments and a Decision and Order issued denying the motion was issued on October 22, 2020. Dkt 92 (incorporated by reference).

8. On October 13, 2020, plaintiffs filed a notice of appeal and I alerted all of the defendants counsel of record that we will be filing for emergency relief pending appeal seeking to allow the children to access online and remote education. Attorney Kleinberg and Attorney McCartin indicated that their clients will oppose this motion. I have not heard back from any of the other attorneys of record.

9. Plaintiffs now file a motion in this court, pursuant to Federal Rule of Civil Procedure 62 for a TRO allowing the children to access online education programs and services available to other children in their school districts for fourteen days or the resolution of this motion, whichever is sooner, and an injunction pending interlocutory appeal or in the alternative, pending review of an emergency motion to the Second Circuit for the same relief. The injunction is narrow – only seeking to admit the children to remote learning opportunities pending appeal rather than all of the relief sought through the original injunction motion.

10. This motion is brought by order to show cause because every day these children are denied access to services and educational resources offered to the other children in the district online, they suffer irreparable harm.

11. It is respectfully requested that if this Court does not grant the restraining order pending review of the motion, that the Court expedite review of the motion as much as possible in order to avoid the continued harm that these children face each day they are denied access to needed educational services.

Dated: November 17, 2020

Respectfully submitted,

*s/Sujata S. Gibson*

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